

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RAYMOND RUSSELL, JR.,

Plaintiff,

-v-

THE STATE OF NEW YORK DEPARTMENT OF  
CORRECTIONS AND COMMUNITY SUPERVISION,

Defendant.  
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18cv8543 (DLC)

ORDER

DENISE COTE, District Judge:

Because of the COVID-19 pandemic, the Southern District of New York has reconfigured courtrooms and centralized scheduling for jury trials. Any jury trial will be conducted in full compliance with the safety procedures implemented in this district. In order to comply with those safety procedures, jury trials will require complex planning and coordination. It is hereby

ORDERED that the parties shall consult and advise the Court by **February 8, 2022** whether, should this case proceed to trial, all parties consent to a bench trial before this Court. Should there be a division of views among the parties, no one shall on any account advise the Court which party or parties has elected to proceed to trial before a jury.

Should the parties decide to proceed to trial before a jury, this Court will advise the Clerk of Court that this case is ready for trial in **April 2022**. The Court will attempt to give the parties as much notice as possible of the date the jury trial will begin. The parties must be prepared to proceed to trial before a jury as soon as a jury can be impaneled in their case.

IT IS FURTHER ORDERED that the parties shall consult and advise the Court by **February 8, 2022** whether all parties consent to have this case proceed to trial before a Magistrate Judge rather than before this Court. Should the parties elect to proceed before a Magistrate Judge, they should complete the attached Notice, Consent, and Reference of a Civil Action to a Magistrate Judge and submit it to the Clerk of Court. Should there be a division of views among the parties, no one shall on any account advise the Court which party or parties were willing to proceed to trial before a Magistrate Judge. If all parties consent to trial before the Magistrate Judge, that trial may be conducted at the parties' election either as a jury trial or a bench trial.

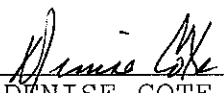
IT IS FURTHER ORDERED that, should the parties elect to proceed to trial before a jury (whether before this Court or a

Magistrate Judge) they must advise the Court by **February 8, 2022** of the following:

- 1) The number of days they need, collectively, for the presentation of evidence; and
- 2) The number of individuals who will be seated at the counsel table, and the names of each of them.

IT IS FURTHER ORDERED that, should the parties consent to a bench trial before this Court, they will consult and advise the Court by **February 8, 2022**, of three Mondays during the period **April to June 2022** when they are prepared to begin that trial. The Court will attempt to accommodate the parties' choice of dates and give them notice by **March 4, 2022** of the date of the trial. The Court will also schedule a conference with the parties to discuss how much of the bench trial may proceed remotely.

Dated: New York, New York  
January 20, 2022

  
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DENISE COTE  
United States District Judge